

LAW'S RESPONSE TO POVERTY

Social Work - JSL 4419H
Law - 367S

Volume I

Professor Janet E. Mosher

Notice: These materials are distributed solely for classroom use by students of the Faculties of Law and Social Work, University of Toronto. They may not be reproduced or circulated for any other purpose.



storage
1
2
3
4
5
6
7
8
9
10

LAW LIBRARY

JAN 14 1991

FACULTY OF LAW

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO


LAW'S RESPONSE TO POVERTY

Social Work - JSL 4419H
Law - 367S

Volume I

Professor Janet E. Mosher

Notice: These materials are distributed solely for classroom use by students of the Faculties of Law and Social Work, University of Toronto. They may not be reproduced or circulated for any other purpose.



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

TABLE OF CONTENTS

VOLUME I

Chapter One -- The Demographics of Poverty

(a) The "Discovery" of Poverty

B. Ehrenreich, Fear of Falling, The Inner Life of the Middle Class (New York: Pantheon Books, 1989). ... 1

(b) Definitions and the Extent of Poverty

National Council of Welfare, "Poverty in Canada", in Curtis et al. (ed.), Social Inequality in Canada (Scarborough: Prentice-Hall) 1988 at p. 97. 10

News Clipping 15

D.P. Ross and R. Shillington, The Canadian Fact Book of Poverty (Ottawa: Canadian Council of Social Development, 1989). 16

(c) Children and Poverty

Child Poverty Action Group -- Leaflet 29

S. Baxter, No Way to Live (Vancouver: New Star Books, 1988). 30

Social Assistance Review Committee, Transitions (Toronto: Queen's Printers, 1988). 34

News Clippings..... 36

Draft Convention on the Rights of the Child 43

News Clipping 46

"Children Without Hope", Time October 1, 1990 at p. 38. 47

(d) Women and Poverty

National Council of Welfare, Poverty Profile 1988 (Ottawa: Ministry of Supply and Services, 1988). 53

M. Gunderson and L. Muszynski, Women and Labour Market Poverty (Ottawa: Canadian Advisory Council on the Status of Women, 1990). 71

S. Baxter, No Way to Live (Vancouver: New Star Books, 1988). 81

Social Assistance Review Committee, Transitions (Toronto: Queen's Printers, 1988). 85

S. Baxter, <u>No Way to Live</u> (Vancouver: New Star Books, 1988).	86
D. Pearce, "Welfare for Women: Toward a Model of Advocacy of Meet the Needs Of Women in Poverty" (1985) 19 <u>National Clearinghouse Review</u> 412.	91
R. Sidel, <u>Women and Children Last</u> (New York: Penguin, 1987).	92
(e) <u>The Working Poor</u>	
D. Ross and R. Shillington, <u>The Canadian Fact Book of Poverty</u> (Ottawa: Canadian Council of Social Development, 1989).	118
Social Assistance Review Committee, <u>Transitions</u> (Toronto: Queen's Printers, 1988).	122
S. Baxter, <u>No Way to Live</u> (Vancouver: New Star Books, 1988).	123
L. Rubin, <u>Worlds of Pain, Life in the Working-Class Family</u> (New York: Basic Books, 1976).	125
(f) <u>Native People</u>	
Social Assistance Review Committee, <u>Transitions</u> (Toronto: Queen's Printers, 1988).	139
G. York, <u>The Dispossessed</u> (London: Vintage, 1990).	141
"Economic Issues Facing Native Women in Ontario" (1987) 4 <u>Currents, Readings in Race Relations</u> 6.	152
R. Prowless, "Native People and Employment: A National Tragedy" (1987) 4 <u>Currents, Readings in Race Relations</u> 2	155

Chapter Two -- Understanding the Roots of Poverty

(a) Introduction

M. Morris and J. Williamson, <u>Poverty and Public Policy</u> (New York: Greenwood Press, 1986).	160
--	-----

(b) Race and Ethnicity

J. Reitz, "Ethnic Concentrations in Labour Markets and Their Implications for Ethnic Inequality", in Breton et al. (ed.), <u>Ethnic Identity and Equality</u> (Toronto: University of Toronto Press, 1990) at p. 135.	171
---	-----

C. Winn, "The Socio-Economic Attainment of Visible Minorities: Facts and Policy Implications", in Curtis et al. (ed.), Social Inequality in Canada (Scarborough: Prentice-Hall, 1988) at p. 195.202

F. Henry and E. Ginzberg, "Racial Discrimination in Employment", in Curtis et al. (ed.), Social Inequality in Canada (Scarborough: Prentice-Hall, 1988) at p. 214.219

(c) Class

W. Clement, The Challenge of Class Analysis (Ottawa: Charlton University Press, 1988).226

(d) Gender

J. Dale and P. Foster, Feminists and State Welfare (London: Routledge & Kegan Paul, 1986).240

F. Henry and T. Rees, "Feminism, Racism and Class" (1983-4) 1 Currents, Readings in Race Relations249

R. Coles and J.H. Coles, Women of Crisis (Massachusetts: Addison-Wesley Publishing Company, 1989).252

S. Moller Okin, "Gender, The Public and the Private", University of Toronto Legal Theory Workshop, October 18, 1989.271

P. Armstrong and H. Armstrong, "Women's Work in the Labour Force" in McLaren, A.T. (ed.), Creating a Canadian Women's Sociology (Toronto: Copp, Clark, Pitman, 1989).307

R. Ng, "The Social Construction of 'Immigrant Women' in Canada", in Hamilton, Roberta and Barrett, Michele, The Politics of Diversity (Montreal: Book Center Inc., 1987).327

"Immigrant and Visible Minority Women in Ontario: Barriers to Employment" (1987) 4 Currents, Readings in Race Relations 16.337

M. Barrett and M. McIntosh, The Anti-Social Family (London: Verso Editions, 1982).341

L. Cohen, Small Expectations: Society's Betrayal of Older Women (Toronto: McClelland & Stewart, 1984).357

Chapter Three -- Moral Justifications for Action

- M. Ignatieff, The Needs of Strangers (New York: Viking Press, 1985).362
- M. Waltzer, "Welfare, Membership and Need" in M. Sandel (ed.), Liberalism and Its Critics (New York: New York University Press, 1984).389
- S. Baxter, No Way to Live (Vancouver: New Star Books, 1988). 398

Chapter Four -- The Welfare State

(a) The Welfare State Defined

- R. Goodin, Reasons For Welfare (Princeton: Princeton University Press, 1988).400

(b) Conceptual Approaches

- A. Weale, "Equality, Social Solidarity, and the Welfare State" (1990) 100 Ethics 473.406
- B. Barry, "The Welfare State versus the Relief of Poverty" (1990) 100 Ethics 503.422
- J. Moon, "The Moral Basis of the Welfare State", in A. Gutmann (ed.), Democracy and the Welfare State (Princeton: Princeton University Press, 1988).449

VOLUME II

(c) The Historical Underpinnings of Canada's Welfare State

- D. Guest, The Emergence of Social Security In Canada, (2d ed.) (Vancouver: University of British Columbia Press, 1985).463
- A. Finkel, "Origins of the Welfare State in Canada", in L. Panitch (ed.), The Canadian State (Toronto: University of Toronto Press, 1977).472
- L. Pal, "Federalism, Social Policy and the Constitution", in J. Ismael (ed.), Canadian Social Welfare Policy (Kingston: McGill-Queen's Press, 1985).483

(d) The Welfare State and Federalism

- K. Banting, The Welfare State and Canadian Federalism (Ottawa: McGill-Queen's University Press, 1982).484
- News Clippings497

R. Melchers, "The Cap on Cap" (1990) 14 <u>Perception</u> 19.	499
News Clipping	504

<u>Finlay v. Minister of Finance of Canada et al.</u> (1990), 71 D.L.R. 422.	505
--	-----

Chapter Five -- A Closer Look at Two of the Constituent Parts of The Welfare State

(a) Social Assistance

Social Assistance Review Committee, <u>Transitions</u> (Toronto: Queen's Printers, 1988).	517
---	-----

News Clipping	534
---------------------	-----

T. Corbett et al., "Learnfare: The Wisconsin Experience" (1989) 12 <u>Focus</u> 1.	535
--	-----

<u>Re Campbell and Director, Income Maintenance Branch,</u> <u>Ministry of Community & Social Services</u> (1990), 71 D.L.R. 765.	541
--	-----

S. Baxter, <u>No Way to Live</u> (Vancouver: New Star Books, 1988).	543
--	-----

J. Lewis, "Feminism and Welfare", in J. Mitchell and A. Oakley, <u>What is Feminism?</u> (New York: Pantheon Books, 1986) at 85.	547
---	-----

M. McIntosh, "Feminism and Social Policy" (1984) 1 <u>Critical Social Policy</u> 32.	555
--	-----

S. Baxter, <u>No Way to Live</u> (Vancouver: New Star Books, 1988).	560
--	-----

G. Pascall, <u>Social Policy, A Feminist Analysis</u> (London: Tavistock Publications, 1986).	563
---	-----

C. Pateman, "The Patriarchal Welfare State", in A. Gutmann (ed.), <u>Democracy and the Welfare State</u> (Princeton: Princeton University Press, 1988).	580
--	-----

F.F. Piven and R.A. Cloward, <u>Regulating the Poor:</u> <u>The Functions of Public Welfare</u> (New York: Pantheon Books, 1971).	595
--	-----

(b) Unemployment Insurance

News Clippings	616
----------------------	-----

Social Planning Council of Metropolitan Toronto,
"Economic Decline in Canada", in D. Drache and D.
Cameron (eds.), The Other MacDonald Report (Toronto:
James Lorimer & Company, 1985).618

F. McGilly, Canada's Public Social Services (Toronto:
McClelland and Stewart, 1990).623

L. Pal, "Revision and Retreat Canadian Unemployment
Insurance 1971-1981" in J. Ismael (ed.), Canadian
Social Welfare Policy (Kingston: McGill-Queen's Press,
1985).634

(c) Employment as the Wave of the Future?

Social Assistance Review Committee, Transitions
(Toronto: Queen's Printers, 1988).647

News Clippings653

"Job Training for People on Social Assistance" 5
Employability Resources Network 1.656

Chapter Six -- The Failings of Canada's Income Maintenance and
Poverty Relief Programs

(a) General Observations

National Council of Welfare, "Fighting Poverty:
The Effect of Government Policy", in D. Drache
and D. Cameron (eds.), The Other MacDonald Report
(Toronto: James Lorimer & Company, 1985).658

(b) Foodbanks

G. Riches, "Feeding Canada's Poor", in J. Ismael
(ed.), The Canadian Welfare State, Evolution and
Transition (Edmonton: University of Alberta Press, 1987).667

"Banking on a Better Future" (1989) 13 Perception 8.678

News Clippings681

(c) Homelessness

Social Assistance Review Committee, Transitions
(Toronto: Queen's Printers, 1988).687

J. Kozol, Rachel and Her Children (New York:
Fawcett Columbine, 1988).689

News Clipping696

L. Harmen, When A Hostel Becomes A Home (Toronto: Garamond Press, 1989).697

Parkdale Community Legal Services, "Homelessness and the Right to Shelter: A View From Parkdale" (1988) 4 Journal of Law and Social Policy 33.710

Chapter Seven -- The Roles of Law and Social Work in Social Transformation

(a) Litigation Strategies and the Problematic of Rights

W. Simon, "The Invention and Reinvention of Welfare Rights" (1985) 44 Maryland L. Rev. 1741

R. Rosenblatt, "Legal Entitlements and Welfare Benefits", in D. Kairys (ed.), The Politics of Law (New York: Pantheon Books, 1982).778

T. Prosser, Test Cases for the Poor: Legal Techniques in the Politics of Social Welfare (London: Child Poverty Action Group, 1983).785

I. Morrison, "Security of the Person and the Person in Need: Section Seven of the Charter and the Right to Welfare" (1988) 4 Journal of Law and Social Policy 1.801

R. Hasson, "What's Your Favourite Right?" (1989) 5 Journal of Law and Social Policy 1.818

Silano v. The Queen in Right of B.C. (1987), 33 C.R.R. 331. 836

Phillips v. Social Assistance Appeal Board (N.S.) (1986), 76 N.S.R. (2d) 249844

Phillips v. Social Assistance Appeal Board (N.S.) (1986), 27 D.L.R. (4th) 156.846

Shewchuk v. Ricard et al. (1986), 2 B.C.L.R. (2d) 324.850

D. O'Brien et al., "Influencing Social Policy: A Reconsideration of the Role of Advocacy by Social Workers", Presented at the Fourth National Conference on Social Welfare, October, 1989.861

(b) Legal Services

M.J. Mossman and E. Lightman, "Towards Equality Through Legal Aid in Canada" (1986) 21 Journal of Canadian Studies 96.872

C. Menkel-Meadow, "Non-Professional Advocacy: The
"Paralegalization" of Legal Services for the Poor"
(1985) Clearinghouse Rev. 403.879

D. Pearce, "Welfare for Women: Toward a Model of
Advocacy of Meet the Needs Of Women in Poverty"
(1985) 19 National Clearinghouse Review 412.888

(c) The Poor Person as Client

P. Friere, Pedagogy of the Oppressed (New York:
Continuum Publishing Company, 1989).891

L. White, "Mobilization on the Margins of the Lawsuit:
Making Space for Clients to Speak" (1987-88) 16 Rev. of
Law and Social Change 535.907

D. Luban, Lawyers and Justice: An Ethical Study (Princeton:
Princeton University Press, 1988).937